

REMARKS

In this response, applicant has requested amendment of independent claims 1, 13, and 23. Applicant has also added new claims 33 through 42 that correspond to "objected to" claims 2, 5-11, 15 and 16 as follows:

<u>new claim</u>	<u>original claim</u>
33	1 + 2
34	5
35	6
36	7
37	8
38	9
39	1 + 10
40	11
41	13 + 15
42	16

The words "for medical liquid flow" were added to the preambles of the new independent claims. This does not comprise new matter because the last line of paragraph 0001 of the application as originally filed specifically includes such words. No new matter has been added in any amended claim or new claim. Applicant appreciates the indication of allowance of claims 27-32. Claims 1-16, 20, 22-24, and 27-42 are pending.

Applicant respectfully requests clarification of the Examiner's comment in paragraph 1 of the Office Action. The action in Paper No. 4 was an election of species under 37 C.F.R. § 1.146, not a restriction requirement under 37 C.F.R. § 1.142. While the claims 17-19, 21 and 25-26 were acknowledged by Applicant to relate to non-elected species A-C, and therefore be temporarily excluded from consideration while elected species D was examined, neither Applicant nor the Examiner designated any of them as directed to an independent and distinct invention, to which a restriction requirement would have been applicable. Applicant therefore submits that the Examiner's comment in paragraph 2 of the Office Action correctly modifies paragraph 1 and that claims 17-19, 21 and 25-26 are designated as withdrawn solely in

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connection with the election of species, and that upon identification of allowable generic or linking claim(s) such withdrawal immediately becomes terminated.

### 35 U.S.C. § 102 REJECTIONS

Claims 1, 13, and 23 have been amended herein to more particularly point out and distinctly claim the invention. For example, each claim has been amended to more clearly specify that the tubular portion has the shape of a male luer. In view of these amendments, applicant traverses the rejection of claims 1, 3, 4, 12-14, 20, and 22-24 as being anticipated by Treleman (2,968,497).

Applicant points out that the male part 10 shown in Treleman does not contain either a resilient member or a valve member. Applicant directs the attention of the Office to FIG. 1 of Treleman in which the male part 10 can be more clearly seen on the left side. The Office will note that there is no resilient member or valve member contained within the male part 10 whatsoever. Instead, it appears to be a straight through flow. The female part 11 of Treleman at the right side of FIG. 1 has internal components; however, applicant's claims are limited to a male luer apparatus. Because of these differences, applicant requests that the claims be allowed.

### OBJECTIONS TO CLAIMS

As mentioned above, applicant has rewritten the "objected to" claims in independent form and included them as claims 33 through 42 herein. Because they are now in independent form, applicant requests their allowance.

### ELECTION OF SPECIES

Claims 1-16, 20 and 22-24 having now been shown to be allowable, and the Office having previously identified those claims as generic to all species A-D, it is submitted that all species are therefore includable in the present application. Applicant's prior election of species D for examination purposes has been made moot and applicant requests that the conditional withdrawal of claims 17-29, 22 and 25-26 be terminated.

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CONCLUSION

In view of the amendments made to the claims above, the new claims, and the differences between those claims and the cited art, applicant submits that all claims are allowable. Applicant therefore respectfully requests withdrawal of the rejections and objections, and allowance of all claims.

Respectfully submitted,  
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